

No. 9985-3Lab-68/27385.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and the management of M/s Harmans Adhesives and Chemical (P) Ltd, Gurgaon :—

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

Reference No. 32 of 1968

between

SHRI BAL RAM WORKMAN AND THE MANAGEMENT OF M/S HARMANS ADHESIVES AND CHEMICAL (P) LTD., GURGAON

Present:

Shri C. B. Kaushik, for the workman.

Nemo, for the management.

AWARD

Shri Bal Ram was in the service of M/s Harmans Adhesives & Chemical (P) Ltd, Gurgaon. It is alleged that his services were terminated on 7th January, 1968. This gave rise to an industrial dispute. The President of India in exercise of the powers conferred by clause (c) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication, —*vide* Government Gazette Notification No. ID/GG/28A-68/ —, dated 16th March, 1968—:

Whether the termination of services of Shri Bal Ram was justified and in order? If not, to what relief is he entitled?

On receipt of the reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workman and the management filed their written statement. A preliminary objection was raised on behalf of the management that the present reference is not valid because the necessary formalities have not been complied with. It is further pleaded that the claimant through Shri Sarda Nand, General Secretary, Gurgaon Engineering Workers Union Regd. which is affiliated with A.I.T.U.C. had reached an agreement with the management under which the claimant agreed to receive his 7 days pay from 1st January, 1968 to 7th January, 1968 and relinquish all his other claims. On merits it is pleaded that the workman did not report for duty on and after 8th January, 1968 as he had got himself employed else where. The case was adjourned to 4th June, 1968 at Rohtak which was then Headquarter of this Court to enable the workman to file his replication. On the date fixed Shri Anand Parkash General Clerk appeared on behalf of the management but no body appeared on behalf of the workman. Since the case related to the Gurgaon District it was adjourned to 9th July, 1968 for further proceedings at Gurgaon. On the date fixed Shri C.B. Kaushik appeared on behalf of the workman but no body appeared on behalf of the management. The replication was filed on behalf of the workman and the following issues were framed.

1. Whether the reference is not legal because the necessary formalities have not been fulfilled?
2. Whether the claimant settled the claim with the management through Shri Sarda Nand who was unduly authorised to settle the claim and the settlement is binding on the claimant?
3. Whether the claimant did not report for duty on 8th January, 1968 and he failed to explain his non-attendance and he has already got himself employed else where?
4. Whether the termination of services of the claimant was justified and in order? If not to what relief is he entitled?

The case was adjourned to 13th August, 1968 for evidence. On the date fixed Shri C.B. Kaushik was present on behalf of the workman but no body appeared on behalf of the management. The evidence of the workman was therefore recorded.

I have heard the learned representative of the workman and my findings on the issue framed are as under :—

Issue No. 1.—It is not mentioned in the written statement what necessary formalities required by law have not been complied with. There appears to be nothing wrong with the order of reference and I find this issue in favour of the workman.

Issue No. 2. The workman has appeared as his own witness and has stated that he did not enter into any settlement with the management and that Shri Sarda Nand had no authority to enter into any settlement on his behalf. There is no evidence to prove the alleged agreement. I, therefore, find this issue in favour of the workman.

Issue No. 3.—The onus of this issue lay on the management and no evidence has been led to prove that the claimant is absent from 8th January, 1968. On the contrary the workman has stated that he actually reported for duty but no work was given. I, therefore, find this issue also in favour of the workman.

Issue No. 4. The claimant has stated in his evidence that he was employed by the respondent as a Mixtureman on 6th March, 1967 at Rs. 115 per mensem. He has stated that on 7th January, 1968 while performing

his duties he found that there was no water in the Tant and the Manager Shri Gupta who was taking drinks at that time abused him and held him responsible for it. He further stated that on next day he came for work but he was not given his duty. So he made a report to the Labour Inspector through Shri Sarda Nath. He has stated that the management never wrote to him that he was not attending to his duties. Since the management have not led any evidence in support of their allegations, there is no reason to disbelieve the testimony of the workman and it must therefore be held that the termination of his services was not justified and in order. He is entitled to be reinstated with full back wages and continuity of service. I give my award accordingly. No order as to costs.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Faridabad.

Dated the 5th October, 1968.

No. 1824, dated the 22nd October, 1968

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Faridabad.

Dated the 5th October, 1968.

No. 9985-3Lab-68/27396.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947, the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Labour Court, Faridabad, in respect of the dispute between the workmen and the management of M/s Indian Motor Transport Co. (P) Ltd., Karnal:—

BEFORE SHRI P. N. THUKRAL, PRESIDING OFFICER, LABOUR COURT, FARIDABAD

REFERENCE NO. 66 OF 1968

between

SHRI SARDUL SINGH WORKMAN AND THE MANAGEMENT OF M/S INDIAN MOTOR TRANSPORT CO. (P) LTD., KARNAL.

Present :

Shri Harbans Lal, for the workman.

Shri Gurdev Singh, Accountant, for the management.

AWARD

Shri Sardul Singh was in the service of M/s Indian Motor Transport Co. (P) Ltd, Karnal. His services were terminated. This gave rise to an Industrial dispute. The Governor of Haryana in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947, referred the following dispute to this Court for adjudication, — *vide* Government Gazette Notification No. 6380-3Lab-68/SF/18312, dated 23rd July, 1968:—

“Whether Shri Sardul Singh should be reinstated in service? If so, with what conditions of service and if not, is he entitled to any other relief ?”

On receipt of reference usual notices were issued to the parties in response to which a statement of claim was filed on behalf of the workman. The management did not file a formal written statement. It was however submitted that a few days before the reference was made by the Government the claimant Shri Sardul Singh had come to the management and settled his accounts. It is alleged that he gave up his right for reinstatement and received a sum of Rs. 1,300 in full and final settlement of all his claims. Shri Harbans Lal the representative of the workman, did not have any instructions with regard to the settlement. Time was given to him to obtain instructions from the claimant but even on the adjourned date Shri Harbans Lal did not have any instructions from him. Shri Bhupender Singh on behalf of the management produced a receipt Ex. M. 1 and stated that the claimant had received Rs. 1,300 in full and final statement of his claim, — *vide* receipt Ex. M. 1. In view of the statement of Shri Bhupender Singh which is not rebutted by the claimant, I hold that he is not entitled to be reinstated in service nor he is entitled to any further relief. I give my award accordingly. No order as to costs.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Faridabad.

Dated the 8th October, 1968.

No. 1825, dated the 22nd October, 1968

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 8th October, 1968.

P. N. THUKRAL,

Presiding Officer,
Labour Court, Faridabad.